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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MICHAEL LEE SCHWITZKE JR,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Acting  
Commissioner of Social Security,

14 Defendant.  
15

CASE NO. 3:16-CV-06019-DWC

ORDER GRANTING MOTION FOR  
EAJA FEES AND COSTS

16 Plaintiff Michael Lee Schwitzke, Jr. filed a Motion for EAJA Fees and Costs, seeking  
17 attorney's fees under the Equal Access to Justice Act ("EAJA"). Dkt. 23. Pursuant to 28 U.S.C. §  
18 636(c), Federal Rule of Civil Procedure 73 and Local Rule MJR 13, the parties have consented to  
19 have this matter heard by the undersigned Magistrate Judge. *See* Dkt. 5.

20 Defendant asserted her position in this matter was substantially justified and requested no  
21 fee be awarded. Dkt. 25. The Court found Defendant's position was not substantially justified  
22 and found Plaintiff's fee request was reasonable. *See* Dkt. 27. The Court allowed Plaintiff to file  
23 an amended fee request before entering an order granting Plaintiff's Motion. *Id.*  
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1 On January 8, 2018, Plaintiff filed the Amended Motion for EAJA Fees and Costs. Dkt.  
2 28. In light of the Court's previous Order and Plaintiff's amended fee petition, the Court hereby  
3 grants Plaintiff's Motion as follows:

4 Plaintiff is awarded costs in the amount of \$419.00.

5 Plaintiff is awarded expenses in the amount of \$6.61.

6 Plaintiff is awarded attorney's fees in the amount of \$7,493.77, representing 38.30 hours  
7 of work, for a total award of \$7,918.38 ("EAJA Award"), pursuant to the EAJA and consistent  
8 with *Astrue v. Ratliff*, 560 U.S. 586 (2010).

9 The Acting Commissioner shall contact the Department of Treasury to determine if the  
10 EAJA Award is subject to any offset. If the U.S. Department of the Treasury verifies to the  
11 Office of General Counsel that Plaintiff does not owe a debt, the government shall honor  
12 Plaintiff's assignment of EAJA Award and pay the EAJA Award directly to Plaintiff's counsel,  
13 Teal Parham. If there is an offset, any remainder shall be made payable to Plaintiff, based on the  
14 Department of the Treasury's Offset Program and standard practices, and the check shall be  
15 mailed to Plaintiff's counsel at 910 12<sup>th</sup> Avenue, PO Box 757, Longview, Washington 98632.

16 Dated this 8th day of January, 2018.

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18 David W. Christel  
19 United States Magistrate Judge  
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